

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
624**

PLACEMENT OF INFANTS

Supersedes: AR 624 (Temporary, 12/08/10); 01/05/12
Effective date: 05/15/18

AUTHORITY: NRS 209.131, 209.381, 159.205

PURPOSE

To provide guidance to the Nevada Department of Corrections Women's Correctional Institutions in the planning for the safe placement of an expectant inmate's child.

RESPONSIBILITY

The Director is responsible for the administration of this regulation.

The Deputy Director of Operations is responsible to ensure compliance with the regulation at the women's correctional institutions and facilities.

The Warden of Florence McClure Women's Correctional Center (FMWCC) or Northern Nevada Correctional Center (NNCC), respectively, is responsible to implement all procedures regarding births by NDOC inmates.

624.01 IDENTIFICATION OF PREGNANT INMATES

1. The Department will take all possible actions to immediately identify pregnant inmates.
 - A. The NDOC inmate (mother) giving birth will determine the temporary guardianship of newborn infant(s). The NDOC inmate (mother) giving birth will be responsible for the temporary guardianship of newborn infant(s).
 - B. While in NDOC custody, any female inmate that is either visibly pregnant upon admission or confirmed by the NDOC Medical Department to be pregnant, will remain at FMWCC/NNCC for the duration of her pregnancy unless transferred to a medical facility, as directed by the Medical Division.
 - C. The Medical Division will examine the inmate, as soon as possible to confirm the pregnancy, to determine the stage of the pregnancy, and to determine an anticipated date of delivery.
 - D. The Medical Division will notify the Warden and the Clinical Social Worker III

(CSWIII) or designated staff in writing, when the diagnosis of pregnancy is confirmed.

- E. The CSWIII or designated staff will notify the Nevada State Division of Child and Family Services (DCFS) by submitting the “Notification of Pending Birth by Inmate Form” to the appropriate DCFS agency contact via email.
- F. The CSWIII or designated staff will establish an institutional file documenting the inmate’s pregnancy. The file shall be maintained by the CSWIII or designated staff.
- F. The CSWIII or designated staff will review the pregnant inmate’s legal history to determine if there is a history of child abuse and/or neglect. In the event that there is evidence of such behavior, in the interest of prevention, the CSWIII or designated staff will immediately notify DCFS and, when appropriate, the local Child Welfare (CW) agency regarding the inmate’s history of such behavior.

624.02 INMATE OPTIONS AND CHILD PLACEMENT PLAN

- 1. No one will coerce, urge, or discourage the inmate in making a decision as to child placement.
- 2. The CSWIII or designated staff shall discuss potential caregiver options with the inmate including:
 - A. Placement with the natural father;
 - B. Placement with a relative or friend (fictive kin);
 - C. Private Adoption through a Nevada licensed private adoption agency; or,
 - D. Referral to the appropriate child welfare agency for placement.
- 3. The CSWIII or designated staff will interview the inmate and inform the inmate of her rights and the rights of her unborn infant as set forth in NRS 159.205. If the inmate is to remain incarcerated for the duration of the pregnancy and wishes to nominate a temporary guardian, the inmate will complete the “Nomination and Consent to Guardianship and Temporary Custody” form and provide this form to her caseworker. This form temporarily transfers guardianship of the infant to a designated individual for up to six (6) months.
- 4. Six (6) copies of the “Nomination and Consent to Guardianship and Temporary Custody” form will be prepared and signed by both the inmate and the CSWIII or designated staff. The distribution of this form will be as follows:
 - A. Two (2) copies will be maintained in the inmate’s medical chart;

- a. One (1) of the two (2) copies will accompany the inmate to the hospital at the time of birth; This document and any other pertinent information shall be given to the hospital social worker upon arrival;
 - b. One (1) of the two (2) copies will remain in the legal section of the inmate's medical chart.
 - B. One (1) copy will be provided to the inmate;
 - C. One (1) copy will be maintained in the inmate's I-File;
 - D. Two (2) copies will be forwarded to DCFS; and
 - E. The completed original document will be mailed to the designated guardian.
5. If, at any time during the course of the pregnancy, the inmate's child placement plans change, a new Nomination and Consent to Guardianship and Temporary Custody will be completed and copies disseminated in accordance with item 624.02.4 above.
6. The CSWIII or designated staff will assist the pregnant inmate in placing the infant:
- A. By placement of the infant with the natural father; with relative(s); with friends (fictive kin); placement of the infant for adoption; or placement of infant into foster care via the appropriate child welfare agency.
 - B. The CSWIII or designated staff will provide the inmate with a current list of Nevada licensed private adoption agencies.
 - C. The CSWIII or designated staff will arrange and co-facilitate meetings and/or telephone calls at FMWCC/NNCC between the pregnant inmate and potential adoption and/or foster care entities or their legal representative(s).
 - D. In the event that the inmate has no plan for placement of the infant, the CSWIII or designated staff will immediately notify DCFS and, when appropriate, the local CW Agency and arrange for them to meet with the pregnant inmate.

624.03 SCREENING PROCESS

1. It will be the responsibility of the inmate to complete the "Nomination and Consent to Guardianship and Temporary Custody" form and to make custody arrangements concerning the natural father, relative, or friend who will assume custody of the infant at the hospital. If the inmate requires assistance in completing the "Nomination and Consent to Guardianship and Temporary Custody" form, the CSWIII or designated staff will assist the inmate.

2. It is the responsibility of the inmate to plan for the placement of her newborn infant(s) and to ensure that the relative and/or guardian assuming custody is willing and able to care for the infant, and brings photo identification, appropriate clothing, and an infant car seat when assuming custody of the newborn infant.
3. The natural father, relative, or friend, assuming custody of the infant—as designated on the “Nomination and Consent to Guardianship and Temporary Custody” form—shall consent to a background investigation. The background investigation shall be conducted by the Division of Child and Family Services using the Child Abuse and Neglect System (CANS). Any additional investigation determined to be necessary will be conducted through DCFS.
 - A. If the results of the CANS background Investigation deem the prospective guardian(s) inappropriate to assume custody of the infant, DCFS and/or the CW Agency will arrange placement of the infant in a manner they deem appropriate.
4. It will be the responsibility of the inmate to provide pertinent information regarding the potential caregiver (natural father, relative, or friend) to the CSWIII or designated staff. If the pregnant inmate identifies a potential caregiver (natural father; relative; or friend), the CSWIII or designated staff will take the following actions:
 - A. Obtain written consent and release from the potential caregiver by having them complete a “Consent for Child Abuse and Neglect Substantiated Report Check and Authorization for Release of Information” form.
 - (1) If the potential caregiver refuses to consent, a referral shall be made by the CSWIII or designated staff to DCFS that the mother is unable to care for her child and no agreed upon potential caregivers have been identified that meet the screening process.
 - B. Submit the signed release form to DCFS and request that a CANS check be completed for the potential caregiver.
 - (1) Upon completion of the CANS check, the CSWIII or designated staff will review the report. If the potential caregiver screening process is not successfully met or exclusions have been identified, the CSWIII or designated staff will notify DCFS that the mother is unable to care for her child and no agreed upon potential caregivers have been identified. The exclusion under which a potential caregiver does not meet the screening process is a substantiated CANS refusal to provide proof of marriage and/or paternity.

624.04 DOCUMENTATION

1. The FMWCC/NNCC CSWIII or designated staff shall maintain a separate file for each pregnant inmate that, at a minimum, will contain:

- A. A copy of the “Nomination and Consent to Guardianship and Temporary Custody” form;
 - B. All correspondence to outside agencies;
 - C. A chronological record of activities and contacts relative to each inmate’s activity as it pertains to her child custody issues; and
 - D. These files will be maintained in accordance with the requirements of the State Archivist.
2. The FMWCC/NNCC CSWIII or designated staff shall document into the Nevada Offender Tracking Information System (NOTIS) all information relative to the pregnant inmate’s activity as it pertains to her child custody issues.

624.05 DEPARTMENT SUPPORT

1. The CSWIII or designated staff will provide the agreed upon caregiver with information on the Family Resource Center should the caregiver be interested in additional support while caring for the child.
2. The CSWIII or designated staff will provide written information to the caregiver on the need to extend the 6-month temporary guardianship if the inmate’s incarceration exceeds 6 months. The CSWIII or designated staff will, when appropriate, contact the inmate and the temporary guardian one month prior to the expiration of the temporary guardianship to assure appropriate continuation of placement occurs.

624.06 FINANCIAL RESPONSIBILITY

1. Financial Responsibility:
 - A. Since the newborn is never placed into the care and custody of the Department of Corrections (DOC), the Department will not be responsible for any infant medical expenses subsequent to the birth.

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APPLICABILITY

1. This AR requires one Operational Procedure (OP) to be implemented at both FMWCC and at NNCC.
2. This AR does not require an audit.


James Dzurenda, Director

5-15-18
Date